

**MINUTES OF THE
BUSINESS AND LABOR INTERIM COMMITTEE**

Wednesday, August 18, 2004 – 2:00 p.m. – Room W135 House Building

Members Present:

Sen. Parley G. Hellewell, Senate Chair
Rep. Katherine M. Bryson, House Chair
Sen. Curtis S. Bramble
Sen. Gene Davis
Sen. Dan R. Eastman
Sen. Thomas Hatch
Sen. Ed P. Mayne
Rep. J. Stuart Adams
Rep. Jackie Biskupski
Rep. David Clark
Rep. Stephen D. Clark
Rep. Carl W. Duckworth
Rep. James A. Dunnigan

Rep. Ben C. Ferry
Rep. Neil A. Hansen
Rep. Todd E. Kiser
Rep. Michael T. Morley
Rep. R. Curt Webb

Members Absent:

Rep. Jeff Alexander
Rep. Craig W. Butters

Staff Present:

Mr. Mark B. Steinagel, Policy Analyst
Ms. Patricia Owen, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://le.utah.gov> or by contacting the committee secretary, Tracey Fredman, at 538-1032.

1. Committee Business

Chair Bryson called the meeting to order at 2:20 p.m.

MOTION: Rep. Biskupski moved to approve the minutes of the June 15, 2004 meeting. The motion passed unanimously. Sen. Bramble, Sen. Davis, Sen. Eastman, Rep. Hansen, and Rep. Webb were absent for the vote.

2. Special Warranty Deed

Rep. Adams introduced the draft legislation, "Conveyances of Property."

Mr. Melvin Smith, Attorney, Smith Knowles, explained the advantages of special warranty deeds. He answered questions regarding the application of the after-acquired title provision.

Mr. Alan Spriggs, Summit County Recorder, spoke to the legislation.

3. Common Interest Ownership Act and Planned Unit Developments

Mr. Steinagel distributed and discussed "Common Interest Ownership and Planned Unit Developments."

Mr. John Richards, Attorney, Vial Fotheringham, said the primary problem is the lack of statutory guidance for planned unit developments. He spoke in favor of adopting a version of the Uniform Common Interest Ownership Act.

Mr. Michael Johnson, President and Owner, FCS Community Management, spoke in support of adopting a version of the Uniform Common Interest Ownership Act.

Mr. Rolfe Berger, Attorney, Kirton and McConkie, discussed advantages of adopting a version of the Uniform Common Interest Ownership Act.

Mr. Lincoln Hobbs, Attorney, spoke in favor of adopting a version of the Uniform Common Interest Ownership Act, and said the absence of legislation dealing with planned unit developments in Utah has often resulted in litigation.

Rep. David L. Hogue talked briefly about his bill from the 2004 legislative session, H.B. 99, "Common Interest Ownership Act," and the need for a more comprehensive and clear approach to common interest ownership.

Mr. Arlon Taylor, Vice President, Stewart Title Guarantee Company, spoke in favor of adopting a version of the Uniform Common Interest Ownership Act. He said it's a good place to start, even though some changes may be needed to suit Utah's needs.

Chair Bryson turned the chair over to Sen. Hellewell.

Mr. Alan Spriggs, Summit County Recorder, spoke in favor of retaining the Condominium Ownership Act which has been modified and brought into harmony with existing statute. He said that the Uniform Common Interest Ownership Act would cause disharmony with existing statute.

Rep. Adams explained the need for statutory language governing common interest ownership communities.

5. Other Items/Adjourn

Chair Hellewell ruled the meeting adjourned at 4:00 p.m.